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09/638,787	08/15/2000	Kenneth A. Parulski	81469DAN	1304

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PATENT LEGAL STAFF  
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ROCHESTER, NY 14650-2201

EXAMINER
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EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/638,787

**Applicant(s)**

PARULSKI ET AL.

**Examiner**

Saeid Ebrahimi-dehKordy

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2.3</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (U.S. patent 6,356,357) in view of Bubie et al (U.S. patent 6,453,078).

Regarding claim 1 Anderson et al disclose: A digital printer for producing hardcopy prints the printer comprising: a) a marking apparatus adapted to provide images on a print (please note Fig.5 item 114 column 5 lines 6-15) b) a digital medium interface for transferring images from a digital storage medium which stores a plurality of digital images (please note Fig.5 item 118, column 5 lines 24-28) d) a graphical user interface having user controls (please note Fig.5 item 102, column 5 lines 7-12) said graphical user interface being adapted to select a digital image stored on the digital storage medium (please note Fig.8 item 208-210, column 9 lines 6-20) Anderson et al does not disclose : c) a network connection for communicating with a network ; and selectively communicate with both the marking apparatus for local printing of the selected image and the network for remote printing of the selected image. On the other hand Bubie et al disclose: c) a network connection for communicating with a network (please note Fig.1 item 50,56 and 62 where the images selected by the display monitor are send through the network to the internet, column 3 lines 60-65) and selectively

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communicate with both the marking apparatus for local printing of the selected image and the network for remote printing of the selected image (please note Fig.2A items 104,106,108,110,115,116 and 132 where user selects images and have option of sending the remotely or print them locally).

Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Anderson et al's invention according to the teaching of Bubie et al, Bubie et al in the same field of endeavor teaches the way the digital images are transmitted through the network to be printed remotely.

Regarding claim 2 Bubie et al disclose: A printer according to claim 1, further comprising a color image display for viewing the transferred images (please note column 3 lines 23-27)

Regarding claim 3 Bubie et al disclose: A printer according to claim 1, wherein said marking apparatus is a color marking apparatus adapted to print the selected image to be printed on a hardcopy print (please note column 4 lines 11-15).

Regarding claim 4 Bubie et al disclose: A printer according to claim 3, further comprising a processor which receives the transferred images from the digital medium interface said processor being adapted to control the color marking apparatus the digital medium interface and the graphical user interface.

Regarding claim 5. A printer according to claim 1, wherein said digital medium interface is a removable memory card interface (please note Fig.1 items 50 the processor which controls the items 18,32 and 42, column 3 lines 2-55).

Regarding claim 6 Bubie et al disclose: A printer according to claim, 1, wherein said digital medium interface is a compact disk reader (please note Fig.1 column 4 lines 20-30).

Regarding claim 7 Bubie et al disclose: A printer according to claim 4, further comprising a camera interface adapted to transfer captured images from an electronic camera to the processor (please note Fig.1 column 3 lines 48-53).

Regarding claim 8 Bubie et al disclose: A printer according to claim 1, wherein the user controls comprise menu buttons for selecting images to be uploaded to the network (please note column 5 lines 62-67 and column 6 lines 1-8).

Regarding claim 9 Bubie et al disclose: A printer according to claim 1, wherein the user controls enable a selection of a preferred photo product from a plurality of photo products (please note Fig.2A column 4 lines 46-50).

Regarding claim 10 Bubie et al disclose: A printer according to claim 9, further comprising a color image display wherein the plurality of photo product options are displayed on the color image display (please note Fig.2A, column 3 lines 24-26 and column 4 lines 30-35).

Regarding claim 11 Bubie et al disclose: A printer according to claim 1, wherein the network connection is adapted to download images from the network for storage prior to local printing the downloaded images being recalled for use during printing (please note column 3 lines 54-65).

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Regarding claim 12 Anderson et al disclose: A printer according to claim 2, wherein the user controls enable the selected image to be cropped prior to printing (please note Fig.8 items 222 and 224 column 9 lines 30-35).

Regarding claim 13 Anderson et al disclose: A printer according to claim 12, wherein the cropped image is displayed on the color image display prior to printing (please note Fig.8 items 212 column 9 lines 15-20).

Regarding claim 14 Bubie et al disclose: A printer according to claim 13, wherein the images stored on the digital storage medium include thumbnail images and the display of the cropped image display is provided by cropping the thumbnail image (please note column 4 lines 30-46).

Regarding claim 15 Bubie et al disclose: A printer according to claim 2, wherein the user controls enable the selected image to be rotated prior to printing (please note column 4 lines 47-54).

Regarding claim 16 Bubie et al disclose: A printer according to claim 15, wherein the rotated image is displayed on the color image display prior to printing (please note column 5 lines 35-40).

Regarding claim 17 Bubie et al disclose: A printer according to claim 16, wherein the images stored on the digital storage medium include thumbnail images and the rotated image display is provided by rotating the thumbnail image (please note column 5 lines 35-61).

Regarding claim 18 Bubie et al disclose: A printer according to claim 16, wherein a rotation setting selected for a particular image is stored in a digital memory in the

printer prior to printing and recalled for use during printing (please note column 5 lines 35-50).

Regarding claim 19 Bubie et al disclose: A printer according to claim 1, wherein the user controls enable the selected image to be combined with a frame image prior to printing to form a combined image (please note column 5 lines 15-18).

Regarding claim 20 Bubie et al disclose: A printer according to claim 19, wherein the combined image is displayed on a color image display of the printer prior to printing (please note column 6 lines 10-13).

Regarding claim 21 Bubie et al disclose: A printer according to claim 20, wherein the frame selected for the particular image is stored in a digital memory in the printer prior to printing and recalled for use during printing (please note column 5 lines 20-25).

Regarding claim 22 Bubie et al disclose: A printer according to claim 1, wherein the user controls enable the specific image to be overlayed with a text message prior to printing (please note column 4 lines 47-50).

Regarding claim 23 Bubie et al disclose: A printer according to claim 22, wherein the overlayed image is displayed on the color image display of the printer prior to printing (please note column 41-45).

Regarding claim 24 Bubie et al disclose: A printer according to claim 22, wherein the text message selected for a particular image is stored in a digital memory in the printer prior to printing and recalled for use during printing (please note column 4 lines 60-65).

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Regarding claim 25 Anderson et al disclose: A printer according to claim 1, wherein the user controls enable a brightness of the specific image to be modified (please note column 9 lines 29-36).

Regarding claim 26 Anderson et al disclose: A printer according to claim 25, wherein the brightness modified image is displayed on a color image display of the printer prior to printing (please note column 9 lines 29-36).

Regarding claim 27 Anderson et al disclose: A printer according to claim 26, wherein a brightness setting selected for a particular image is stored in a digital memory in the printer prior to printing, and recalled for use during printing (please note column 9 lines 30-40).

Regarding claim 28 Bubie et al disclose: A printer according to claim 1, wherein the color marking apparatus includes a removable ink jet. Head (please note column 4 lines 60-67).

Regarding claim 29 Bubie et al disclose: A printer according to claim 28, wherein the graphical user interface includes a graphical image depicting the amount of ink remaining in the ink jet head (please note column 4 lines 60-67 and column 5 lines 1-18).

Regarding claim 30 Bubie et al disclose: A printer according to claim 1, wherein said network provides a communication with a fulfillment center which is adapted to provide a photo product that includes the selected image (please note column 5 lines 62-67 and column 6 lines 1-8).



Regarding claim 31 Bubie et al disclose: A printer according to claim 1, wherein said network provides a communication with a fulfillment center which is adapted to provide photofinishing services to said selected image (please note column 5 lines 5-25).

Regarding claim 32 Anderson et al disclose: An imaging apparatus adapted to produce hardcopy prints, the apparatus comprising: an interface arrangement adapted to transfer images stored on a digital storage media (please note Fig.5 item 118 the removable memory where the images are stored and being transferred to the printer, Column 5 lines 29-39) the transferred image being viewable on a display screen of the imaging apparatus (please note Fig.8 item 208, column 9 lines 1-14) However Anderson et al do not teach: a communication arrangement for transferring images to a network; and user control adapted to select local or remote network printing of the images stored on the digital storage media, ON the other hand Bubie et al disclose: a communication arrangement for transferring images to a network (please note Fig 2A items 115,116 and 132, column 4 lines 60-67 and column 5 lines also lines 62-67 and column 6 lines 1-4) and user control adapted to select local or remote network printing of the images stored on the digital storage media (please note Fig.1 items 102-110 where user select images and the method they should be printed, column 4 lines 60-67 and column 5 lines 1-67 and column 6 lines 1-8).

Regarding claim 33 Bubie et al disclose: An apparatus according to claim 32, wherein said user controls include a control button for selecting an image of said stored images to be printed on a remote hardcopy printer connected to a network (please note Fig.3 buttons 308,310 and 312 where user could use to sent the images to be printed over the network or locally, column 4 lines 60-63). while viewing the stored images on the display screen of the printer (please note column 4 lines 60-62).

Regarding claim 34 and 36 Anderson et al disclose: A method of producing prints, the method comprising the steps of a) electronically capturing images by way of an electronic camera (please note Fig.1 item 10 the digital camera, column 2 lines 66-67) b) transferring the captured images to a printer (please note Fig.5 item 114 column 5 lines 12-18) c) displaying the captured images on a display screen on the printer (please note Fig.8 item 208 column 9 lines 6-11) However Anderson et al do not teach: d) selecting a specific image to be printed from the captured images; and e) uploading the selected image to a network for remote printing, On the other hand Bubie et al disclose: d) selecting a specific image to be printed from the captured images (please note Fig.2A, items 106 and 108 column 4 lines 46-55) and e) uploading the selected image to a network for remote printing (please note Fig,2A , items 115,115 and 132, column 4 lines 60-67 and column 5 lines 61-67 and column 6 lines 1-8).

Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Anderson et al's invention according to the teaching of Bubie et al, Bubie et al in the same field of endeavor teaches the way the digital images are transmitted through the network to be printed remotely.

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Regarding claim 35 Anderson et al disclose: A method according to claim 34, wherein said step of transferring the captured images to the printer comprises storing the captured images on a digital storage medium, and inserting the digital storage medium into an interface on said printer (please note Fig.8 column 8 lines 57-67 and column 9 lines 1-19).

**Contact Information**

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (703) 306-3487.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (703) 305-4863.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306, or (703) 308-9052 (for **formal** communications; please mark  
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**Or:**

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**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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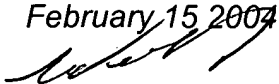
Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

*Saeid Ebrahimi-Dehkordy*

*Patent Examiner*

*Group Art Unit 2626*

*February 15 2007*



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